

EXHIBIT 96

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

DECLARATION OF LARS PETER KNOTH MADSEN

I, Lars Peter Knoth Madsen, subject to perjury, state as follows:

1. I am employed by Harvard University as Chief of Staff to Harvard President Drew Gilpin Faust. In that capacity, I have personal knowledge of the facts to which I attest in this Declaration.
2. President and Fellows of Harvard College, known to the public as Harvard University, is a nonprofit Massachusetts education institution dedicated to teaching and research. Harvard University was founded in 1636 and granted a Charter in 1650. As stated in the 1650 Charter document, Harvard's mission includes "the advancement of all good literature, arts, and sciences" Harvard Univ., *The Charter of the President and Fellows of Harvard College, Under the Seal of the Colony of Massachusetts Bay, and Bearing the Date May 31st A.D. 1650*, <http://library.harvard.edu/university-archives/using-the-collections/online-resources/charter-of-1650> (visited Sept. 1, 2017). The rights and privileges of Harvard University were reaffirmed in the Massachusetts State Constitution, which held that "the encouragement of arts and sciences, and all good literature, tends to the ... great benefit of this and the other United States of America." MASS. CONST. c. V, art. I.
3. Harvard University is comprised of a number of Schools, including Harvard College, the Graduate School of Arts and Sciences, the Graduate School of Design, the Graduate School of Education, Harvard Business School, Harvard Divinity School, the Harvard Kennedy School, Harvard Law School, Harvard Medical School, the Harvard School of Dental Medicine, the Harvard T.H. Chan School of Public Health, and the John A. Paulson School of Engineering and Applied Sciences. Approximately 20,000 students are currently enrolled in degree programs in these twelve undergraduate, graduate, and professional schools. Harvard Univ., *Harvard University Fact Book*, <https://oir.harvard.edu/fact-book/enrollments-school> (visited Sept. 5, 2017).
4. Each of Harvard's several Schools is committed to admitting, enrolling, and teaching students regardless of their national origin or immigration or citizenship status. *See, e.g.*, Harvard Univ., *Undocumented at Harvard: Resources and Information for Undocumented Members of the Harvard University Community*, <https://undocumented.harvard.edu> (visited Sept. 1, 2017) ("The University does not make citizenship status a condition for admission to any of Harvard's Schools. With the admissions decision comes a commitment to every person who has been admitted, regardless of immigration status."); Harvard Coll., *Frequently Asked Questions*, <https://college.harvard.edu/frequently-asked-questions> (visited Sept. 1, 2017) ("All

students are considered in the same pool for admission to the incoming class regardless of citizenship status. While being undocumented may present challenges for students wishing to travel or work on campus, immigration status is not considered by the admissions committee.”).

5. Harvard considers undocumented students for admission into its programs because the University seeks to attract the most talented and committed students, wherever they may be found. Moreover, Harvard’s open-door policy for undocumented students reflects its longstanding commitment to equality of opportunity and its recognition that a diversity of backgrounds in its student population enriches the educational experience of all. Undocumented students who matriculate to Harvard have in many cases already lived extraordinary lives, overcoming stressful and underresourced life conditions to earn admission to one of the most selective higher education institutions in the world. These students’ successes in the classroom — and in life — speak to their resiliency and determination in the face of hardships that are unimaginable to most of their peers.
6. Harvard has undocumented students presently enrolled across the University, of whom more than fifty are participants in Citizenship and Immigration Services’ Deferred Action for Childhood Arrivals (“DACA”) program.
7. Harvard’s undocumented and DACA-enrolled students make real, valuable, and lasting contributions to the University, through their classroom participation, their extracurricular engagements, and their commitment to independent study and research. By way of example, one current DACA undergraduate at Harvard College has conducted research with a Harvard Medical School professor, in collaboration with local hospitals in Boston. This student has received funding from President Faust’s Presidential Public Service Fellows Program and is under consideration to receive a Rhodes Scholarship endorsement from the College. Another current DACA undergraduate performs neuroscience research at the Medical School, and a third has assisted on published research issuing from Harvard’s Behavioral Laboratory in the Social Sciences. An early DACA participant, since graduated from Harvard College, conducted research at Dana-Farber as an undergraduate, identifying tumor suppressors and oncogenic genes in human and mouse melanomas.
8. It is the objective of all Harvard’s Schools to provide a full and complete higher education experience to all their enrolled students. Undocumented students are, however, denied access to certain opportunities at Harvard because of their immigration status. Undocumented undergraduate students may not leave the United States to participate in study-abroad programs, and graduate students may not depart the country to pursue international collaborations or field-study opportunities, because they will be denied reentry by Customs and Border Protection. In addition, federal law prohibits the University from employing undocumented students. As a result, these undocumented students may not access important educational opportunities — for example, undergraduate research work in University laboratories — on the same footing as their

fellow students. And although Harvard provides institutional aid to undocumented students who need it, these students may not work summer or part-time jobs to support themselves.

9. Moreover, undocumented students live and study under uniquely stressful conditions that necessarily detract from their educational experience. An undocumented student lives at constant personal risk of detention and/or removal by CIS enforcement officials. In many cases, the student's family is also undocumented, raising the further concern that Immigration and Customs Enforcement could detain or remove family members at any time. Many undocumented students arrive at Harvard having lived their lives at the margins of society and the economy, in order to avoid detection by authorities. Accordingly, they may be reluctant to take advantage of educational or extracurricular opportunities on campus or to make their voices heard at Harvard. As a result, they are deprived of the full benefit of their time at Harvard, and the University is deprived of the full extent of their contributions.
10. Some time ago public attention turned to the particular situation of students who, although necessarily born outside the United States, entered the country unlawfully at a young age with their parents. Through no fault of their own, these students have no lawful immigration status and no right to any of the benefits contingent on that lawful status — including the rights to work and to travel abroad. These students, many of whom have no memory of living anywhere other than in the United States, are subject to detention and removal from a country that is their home. Recognizing the adversity that these students face, President Faust has publicly supported efforts to confer lawful immigration status on them through draft legislation, which has drawn bipartisan support in Congress. *See, e.g.,* Drew Faust & John Hennessy, *Deserving of the Dream*, POLITICO, Dec. 8, 2010; Athena Y. Jiang & June Q. Wu, *Faust Voices Support for DREAM Act*, HARVARD CRIMSON, May 22, 2009.
11. In the absence of legislative action, on June 15, 2012 the U.S. Department of Homeland Security issued a memorandum announcing the DACA program, by which DHS would exercise its prosecutorial discretion to defer ICE enforcement action against undocumented persons who come forward and demonstrate that they meet certain requirements for participation, namely that they (1) came to the United States before age 16; (2) continuously resided in the U.S. for at least five years before June 15, 2002 and were present as of that date; (3) are currently in school, graduated from high school, earned a GED, or are honorably discharged veterans; (4) have not been convicted of a felony, a significant misdemeanor offense, or multiple misdemeanors and do not otherwise pose a threat to national security or public safety; and (5) are not more than thirty years old. DHS, *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children* (June 15, 2012), <https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf> (visited Sept. 1, 2017). Deferred action under DACA would be available upon application for two-year periods, renewable also upon

application. Grantees of deferred action would be entitled, per federal immigration regulations, to receive work permits and advance parole documentation that would permit them to leave and reenter the country.

12. The DACA program provides real, meaningful benefits to the University, its undocumented student population, and the rest of the Harvard community. DACA students with work permits can be employed at Harvard, including in a research capacity, supporting and learning from Harvard faculty and scholars as part of their paid work. DACA work permits further enable these students to work and earn money during and between terms, to put toward their tuition and living expenses at Harvard, and the DACA allowance gives these students an assurance that they may put their talents and learning to use in the U.S. job market after graduation. Harvard's DACA students can also enhance their educational experience through foreign travel. Most importantly, for as long as they have active DACA protection, DACA-participating students can pursue their courses of study and fully invest themselves in University life, without fear of sudden detention or removal. In short, they can step outside the shadow of their immigration status and be Harvard students, fully and completely.
13. In the absence of a legislative response, discontinuance of DACA will withdraw important work and travel opportunities from DACA students and reintroduce fear and uncertainty into their lives, with real follow-on effects for their education. In keeping with its central mission — to teach, to advance and promote learning: “all good literature, arts and sciences” for the benefit of all — Harvard therefore stands against the elimination of the DACA program. To that end, President Faust has written twice to President Trump, urging that he not rescind the DACA program. *See* Claire E. Parker, *In Letter to Trump, Faust Urges Continuation of DACA*, HARVARD CRIMSON, Aug. 28, 2017.

SIGNED UNDER THE PENALTY OF PERJURY THIS 5TH DAY OF SEPTEMBER, 2017.



Lars Peter Knoth Madsen